



February 21, 2001

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## HOUSE BILL No. 1829

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DIGEST OF HB 1829 (Updated February 20, 2001 9:07 AM - DI 98)

**Citations Affected:** IC 31-34; IC 31-35.

**Synopsis:** Abandoned infants. Increases from 30 days to 45 days the maximum age of an abandoned infant that may be taken into custody without a court order. Provides that a parent who leaves an infant with an emergency medical services provider has the right to remain anonymous. Requires a local child protective service that takes custody of an infant to contact the missing persons clearing house to determine if the infant has been reported missing. Provides that, in custody hearings concerning an abandoned infant left with an emergency medical services provider, the emergency medical services provider is not required to be notified of custody proceedings.

**Effective:** July 1, 2001.

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**Aguilera, Stevenson, Budak,  
Duncan, Dickinson, Klinker**

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January 17, 2001, read first time and referred to Committee on Human Affairs.  
February 20, 2001, amended, reported — Do Pass.

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HB 1829—LS 8062/DI 106+



February 21, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1829

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 31-34-2.5-1, AS ADDED BY P.L.133-2000,  
2       SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2001]: Sec. 1. (a) An emergency medical services provider  
4       shall, without a court order, take custody of a child who is, or who  
5       appears to be, not more than ~~thirty (30)~~ **forty-five (45)** days of age if:

6               (1) the child is voluntarily left with the provider by the child's  
7               parent; and

8               (2) the parent does not express an intent to return for the child.

9       (b) An emergency medical services provider who takes custody of  
10       a child under this section shall perform any act necessary to protect the  
11       child's physical health or safety.

12       **(c) A parent who voluntarily leaves a child with an emergency**  
13       **medical services provider has the right to remain anonymous.**

14       SECTION 2. IC 31-34-2.5-2, AS ADDED BY P.L.133-2000,  
15       SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16       JULY 1, 2001]: Sec. 2. (a) Immediately after an emergency medical  
17       services provider takes custody of a child under section 1 of this

**HB 1829—LS 8062/DI 106+**



chapter, the provider shall notify the local child protection service that the provider has taken custody of the child.

(b) The local child protection service shall:

(1) assume the care, control, and custody of the child immediately after receiving notice under subsection (a); **and**

(2) **not later than forty-eight (48) hours after the local child protection service has taken custody of the child, contact the Indiana clearinghouse for information on missing children established by IC 10-1-7-3 to determine if the child has been reported missing.**

SECTION 3. IC 31-34-10-2.5, AS ADDED BY P.L.133-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.5. (a) The juvenile court shall hold the initial hearing on a petition arising from an emergency medical services provider's taking custody of an infant under IC 31-34-2.5 on the next business day after the emergency medical services provider takes the infant into custody. If the court is unavailable for a hearing on the next business day, the hearing must be held as soon as the court becomes available. However, the hearing must be held not later than the third business day after the infant is taken into custody.

(b) The county office of family and children ~~shall~~ **may** notify the emergency medical services provider who has taken emergency custody of an abandoned infant under IC 31-34-2.5 of the initial hearing. The emergency medical services provider ~~has the right to~~ **may** be heard at the initial hearing.

SECTION 4. IC 31-34-21-4, AS AMENDED BY P.L.133-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) **Except as provided in subsection (f),** at least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall send notice of the review to each of the following:

(1) The child's parent, guardian, or custodian.

(2) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office of family and children;

(B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or

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1           custodian; or

2           (C) a petition to terminate the parent-child relationship  
3           between the child and any parent who has not executed a  
4           written consent to adoption under IC 31-19-9-2 has been filed  
5           under IC 31-35 and is pending.

6           (3) Any other person who:

7           (A) the county office of family and children has knowledge is  
8           currently providing care for the child; and

9           (B) is not required to be licensed under IC 12-17.2 or  
10          IC 12-17.4 to provide care for the child.

11          (4) Any other suitable relative or person who the county office  
12          knows has had a significant or caretaking relationship to the child.

13          ~~(5) Any emergency medical services provider who has taken~~  
14          ~~custody of an abandoned infant under IC 31-34-2.5.~~

15          (b) At least ten (10) days before the periodic case review, including  
16          a case review that is a permanency hearing under section 7 of this  
17          chapter, the county office of family and children shall provide notice  
18          of the review to the child's foster parent by:

19           (1) certified mail; or

20           (2) face to face contact by the county office of family and children  
21           caseworker.

22          (c) The court shall provide to a person described in subsection (a)  
23          or (b) an opportunity to be heard and to make any recommendations to  
24          the court in a periodic case review, including a permanency hearing  
25          under section 7 of this chapter. The right to be heard and to make  
26          recommendations under this subsection includes the right of a person  
27          described in subsection (a) or (b) to submit a written statement to the  
28          court that, if served upon all parties to the child in need of services  
29          proceeding and the persons described in subsections (a) and (b), may  
30          be made a part of the court record.

31          (d) **Except as provided in subsection (f),** this section does not  
32          exempt the county office of family and children from sending a notice  
33          of the review to each party to the child in need of services proceeding.

34          (e) The court shall continue the review if, at the time of the review,  
35          the county office of family and children has not provided the court with  
36          signed verification from the child's foster parent, as obtained through  
37          subsection (b), that the foster parent has been notified of the review at  
38          least five (5) business days before the review. However, the court is not  
39          required to continue the review if the child's foster parent appears for  
40          the review.

41          (f) **The parent of an abandoned child as described in**  
42          **IC 31-34-2.5 is not required to be notified of a proceeding**

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described in subsection (a).

SECTION 5. IC 31-35-2-6.5, AS AMENDED BY P.L.133-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) This section applies to hearings under this chapter relating to a child in need of services.

(b) At least ten (10) days before a hearing on a petition or motion under this chapter:

(1) the person or entity who filed the petition to terminate the parent-child relationship under section 4 of this chapter; or

(2) the person or entity who filed a motion to dismiss the petition to terminate the parent-child relationship under section 4.5(d) of this chapter;

shall send notice of the review to the persons listed in subsections (c) and (d).

(c) **Except as provided in subsection (h),** the following persons shall receive notice of a hearing on a petition or motion filed under this chapter:

(1) The child's parent, guardian, or custodian.

(2) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office of family and children;

(B) the court having jurisdiction in the adoption case has determined under an applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2, has been filed under IC 31-35 and is pending.

(3) Any other person who:

(A) the county office of family and children has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or IC 12-17.4 to provide care for the child.

(4) Any other suitable relative or person who the county office of family and children knows has had a significant or caretaking relationship to the child.

(5) ~~Any emergency medical services provider who has taken custody of an abandoned infant under IC 31-34-2.5.~~



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~~(6)~~ (5) Any other party to the child in need of services proceeding.

(d) At least ten (10) days before a hearing on a petition or motion under this chapter, the county office of family and children shall provide notice of the hearing to the child's foster parent by:

(1) certified mail; or

(2) face to face contact by the county office of family and children caseworker.

(e) The court shall provide to a person described in subsection (c) or (d) an opportunity to be heard and make recommendations to the court at the hearing. The right to be heard and to make recommendations under this subsection includes the right of a person described in subsection (c) or (d) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsections (c) and (d), may be made a part of the court record.

(f) The court shall continue the hearing if, at the time of the hearing, the county office of family and children has not provided the court with signed verification from the foster parent, as obtained through subsection (d), that the foster parent has been notified of the hearing at least five (5) business days before the hearing. However, the court is not required to continue the hearing if the child's foster parent appears for the hearing.

(g) A person described in subsection (c)(2) through ~~(c)(5)~~ (c)(4) or subsection (d) does not become a party to a proceeding under this chapter as the result of the person's right to notice and the opportunity to be heard under this section.

**(h) The parent of an abandoned child as described in IC 31-34-2.5 is not required to receive notice of a hearing as described in subsection (c).**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1829, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, after line 13, begin a new paragraph and insert:

"SECTION 2. IC 31-34-2.5-2, AS ADDED BY P.L.133-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Immediately after an emergency medical services provider takes custody of a child under section 1 of this chapter, the provider shall notify the local child protection service that the provider has taken custody of the child.

(b) The local child protection service shall:

(1) assume the care, control, and custody of the child immediately after receiving notice under subsection (a); **and**

(2) **not later than forty-eight (48) hours after the local child protection service has taken custody of the child, contact the Indiana clearinghouse for information on missing children established by IC 10-1-7-3 to determine if the child has been reported missing.**

SECTION 3. IC 31-34-10-2.5, AS ADDED BY P.L.133-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.5. (a) The juvenile court shall hold the initial hearing on a petition arising from an emergency medical services provider's taking custody of an infant under IC 31-34-2.5 on the next business day after the emergency medical services provider takes the infant into custody. If the court is unavailable for a hearing on the next business day, the hearing must be held as soon as the court becomes available. However, the hearing must be held not later than the third business day after the infant is taken into custody.

(b) The county office of family and children ~~shall~~ **may** notify the emergency medical services provider who has taken emergency custody of an abandoned infant under IC 31-34-2.5 of the initial hearing. The emergency medical services provider ~~has the right to~~ **may** be heard at the initial hearing.

SECTION 4. IC 31-34-21-4, AS AMENDED BY P.L.133-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) **Except as provided in subsection (f),** at least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall send notice of the review to each of the following:

HB 1829—LS 8062/DI 106+



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- (1) The child's parent, guardian, or custodian.
- (2) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

- (A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office of family and children;

- (B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

- (C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.

- (3) Any other person who:

- (A) the county office of family and children has knowledge is currently providing care for the child; and

- (B) is not required to be licensed under IC 12-17.2 or IC 12-17.4 to provide care for the child.

- (4) Any other suitable relative or person who the county office knows has had a significant or caretaking relationship to the child.

- (5) ~~Any emergency medical services provider who has taken custody of an abandoned infant under IC 31-34-2.5.~~

(b) At least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall provide notice of the review to the child's foster parent by:

- (1) certified mail; or

- (2) face to face contact by the county office of family and children caseworker.

(c) The court shall provide to a person described in subsection (a) or (b) an opportunity to be heard and to make any recommendations to the court in a periodic case review, including a permanency hearing under section 7 of this chapter. The right to be heard and to make recommendations under this subsection includes the right of a person described in subsection (a) or (b) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsections (a) and (b), may be made a part of the court record.

(d) **Except as provided in subsection (f)**, this section does not exempt the county office of family and children from sending a notice

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of the review to each party to the child in need of services proceeding.

(e) The court shall continue the review if, at the time of the review, the county office of family and children has not provided the court with signed verification from the child's foster parent, as obtained through subsection (b), that the foster parent has been notified of the review at least five (5) business days before the review. However, the court is not required to continue the review if the child's foster parent appears for the review.

**(f) The parent of an abandoned child as described in IC 31-34-2.5 is not required to be notified of a proceeding described in subsection (a).**

SECTION 5. IC 31-35-2-6.5, AS AMENDED BY P.L.133-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) This section applies to hearings under this chapter relating to a child in need of services.

(b) At least ten (10) days before a hearing on a petition or motion under this chapter:

- (1) the person or entity who filed the petition to terminate the parent-child relationship under section 4 of this chapter; or
- (2) the person or entity who filed a motion to dismiss the petition to terminate the parent-child relationship under section 4.5(d) of this chapter;

shall send notice of the review to the persons listed in subsections (c) and (d).

(c) **Except as provided in subsection (h),** the following persons shall receive notice of a hearing on a petition or motion filed under this chapter:

- (1) The child's parent, guardian, or custodian.
- (2) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:
  - (A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office of family and children;
  - (B) the court having jurisdiction in the adoption case has determined under an applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or
  - (C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2, has been filed under IC 31-35 and is pending.

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- (3) Any other person who:
- (A) the county office of family and children has knowledge is currently providing care for the child; and
  - (B) is not required to be licensed under IC 12-17.2 or IC 12-17.4 to provide care for the child.
- (4) Any other suitable relative or person who the county office of family and children knows has had a significant or caretaking relationship to the child.
- ~~(5) Any emergency medical services provider who has taken custody of an abandoned infant under IC 31-34-2.5.~~
- ~~(6)~~ (5) Any other party to the child in need of services proceeding.
- (d) At least ten (10) days before a hearing on a petition or motion under this chapter, the county office of family and children shall provide notice of the hearing to the child's foster parent by:
- (1) certified mail; or
  - (2) face to face contact by the county office of family and children caseworker.
- (e) The court shall provide to a person described in subsection (c) or (d) an opportunity to be heard and make recommendations to the court at the hearing. The right to be heard and to make recommendations under this subsection includes the right of a person described in subsection (c) or (d) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsections (c) and (d), may be made a part of the court record.
- (f) The court shall continue the hearing if, at the time of the hearing, the county office of family and children has not provided the court with signed verification from the foster parent, as obtained through subsection (d), that the foster parent has been notified of the hearing at least five (5) business days before the hearing. However, the court is not required to continue the hearing if the child's foster parent appears for the hearing.
- (g) A person described in subsection (c)(2) through ~~(c)(5)~~ (c)(4) or subsection (d) does not become a party to a proceeding under this chapter as the result of the person's right to notice and the opportunity to be heard under this section.
- (h) The parent of an abandoned child as described in IC 31-34-2.5 is not required to receive notice of a hearing as**

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**described in subsection (c)."**

and when so amended that said bill do pass.

(Reference is to HB 1829 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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